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I, Lisa Mansur, hereby certify that this correspondence, pursuant to 37 C.F.R. §1.8, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: September 15, 2004

By

Lisa Mansur

**IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE**

Applicant(s):	Stayton et al.	Docket No.:	50847.00155
Application No.:	10/722,797	Group Art Unit:	3662
Filing Date:	November 26, 2003	Examiner:	Bernarre E. Gregory
Title:	FORMATION SURVEILLANCE AND COLLISION AVOIDANCE		

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
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**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner:

Applicant disagrees with the Examiner's statements of reasons for allowance provided in the prosecution history of this case. The provided statements are incomplete and as such may give rise to reasoning that is inconsistent with the proper scope of the claims. The statements do not include at least (1) the major difference in the claims not found in the prior art of record, and (2) the reasons why that difference is considered to define patentability over the prior art.

Applicant disagrees that any limitation can be identified as a "major difference" because, *inter alia*, claim construction requires each claim to be taken as a whole. Patentability of each claim is imparted by each claim as a whole. No portion of any claim is to be construed as more important for patentability than any other portion. The combination of limitations recited in each claim is patentable subject matter whether or not identified as such by the Examiner.

Applicant asserts that each claim is allowable because all statutory requirements have been met, including, *inter alia*, the absence in all art of record of the same invention as claimed or any disclosure, teaching, or suggestion (explicit or implied) that would make the claimed

invention obvious to a person having ordinary skill in the art. The Examiner's statements are incomplete because they do not address this absence as to each cited reference as one of the bases for allowance or for identification of allowable subject matter.

The Examiner's statements do not state all the reasons for allowance or all the details why claims are allowed. The Examiner's statements do not indicate all of the allowable subject matter or all of the reasons why indicated subject matter is allowable. The Examiner's statements do not identify a sole reason for patentability or a sole reason for identification of allowable subject matter.

Failure of the Examiner to mention any particular information in the provided statements does not raise any implication as to whether such particular information was relied upon or not.

The Examiner has not completely collected in the provided statements all reasons for allowance that may appear in related cases known to the Examiner at the time the statements were prepared. All subject matter in each cited reference was considered by the Examiner as material to examination whether or not discussed in the Examiner's reasons for allowance.

No implication as to what subject matter that may have been relinquished or the reason for relinquishing may be drawn from the Examiner's statements of reasons for allowance, *inter alia*, because the Examiner's statements are incomplete as discussed above.

The scope of the allowed claims is readily apparent to a person of ordinary skill in the art from, *inter alia*, the application, the claims, the prosecution history, and the cited references without reliance in any way on the Examiner's statement of reasons for allowance.

Respectfully submitted,

Dated: September 15, 2004

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